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ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2019 SEP 10 PM 3:07

DEPUTY CLERK

UNITED STATES OF AMERICA

v.

NO. 3:18-CR-232-K

DETONTE SPEARMAN (17)
AKA PAPA

FACTUAL RESUME

In support of Detonte Spearman's plea of guilty to the offense in Count One of the Indictment, Spearman, the defendant, Ezekiel Tyson, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the Indictment, charging a violation of 21 U.S.C. § 846, that is, Conspiracy to Possess with Intent to Distribute a Controlled Substance, the government must prove each of the following elements beyond a reasonable doubt:¹

<i>First.</i>	That two or more persons, directly or indirectly, reached an agreement to possess with the intent to distribute a mixture or substance containing a detectable amount of cocaine, a controlled substance;
<i>Second.</i>	That the defendant knew of the unlawful purpose of the agreement;
<i>Third.</i>	That the defendant joined in the agreement willfully, that is, with the intent to further its unlawful purpose;
<i>Fourth.</i>	That the overall scope of the conspiracy involved 500 grams or more of a mixture or substance containing a detectable amount of

¹ Pattern Crim. Jury Instr. 5th Cir. 2.95 (2015).

	cocaine; and,
<i>Fifth.</i>	That the defendant knew or reasonably should have known that the scope of the conspiracy involved a mixture or substance containing 500 grams or more of cocaine.

STIPULATED FACTS

1. During the course of the conspiracy as alleged in the indictment, in the Dallas Division of the Northern District of Texas and elsewhere, the defendant, Detonte Spearman, knowingly and intentionally combined, conspired, confederated and agreed with other persons, to possess with intent to distribute a mixture or substance containing 500 grams or more of cocaine, a controlled substance.

1. More specifically, the investigation, including intercepted calls and surveillances, revealed that Spearman received multiple kilograms of cocaine from coconspirators Venustiano Cardoso, Rito Hernandez-Reyes, and another known coconspirator. Examples of Spearman's overt acts in furtherance of this drug conspiracy follow.

2. On or about May 29, 2017: the investigation and intercepted calls revealed that a known coconspirator directed Hernandez-Reyes to meet a known coconspirator and a courier at coconspirator Samuel Lopez-Murillo's house to receive a shipment of cocaine. Hernandez-Reyes then delivered two kilograms of cocaine to Spearman. *ed DS*

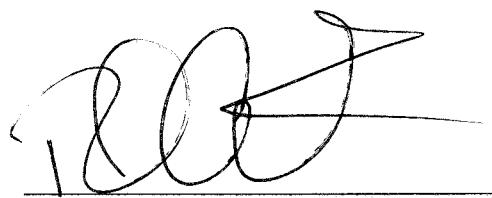
3. On or about June 6, 2017: intercepted calls revealed that coconspirator Venustiano Cardoso directed Hernandez-Reyes to coconspirator Samuel Gomez's house to retrieve two kilograms of cocaine belonging to a known coconspirator and deliver them to Spearman. Hernandez-Reye met a known coconspirator at that location who

retrieved two kilograms from the garage, and then Hernandez-Reyes delivered those two kilograms to Spearman, who paid Hernandez-Reyes \$51,000 for the cocaine.

4. On or about July 5, 2017: intercepted calls revealed that coconspirator Venustiano Cardoso directed Hernandez-Reyes to deliver three kilograms of cocaine to Spearman. After collecting three kilograms of cocaine, Hernandez-Reyes then met with Spearman. Spearman only accepted two of the cocaine kilograms and returned one kilogram to Hernandez-Reyes.

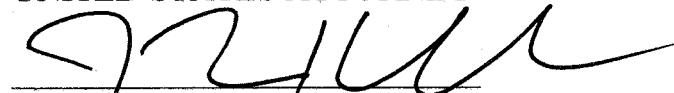
5. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the Indictment.

AGREED TO AND STIPULATED on this 10 day of SEPTEMBER, 2019.



RICK CALVERT
Deputy Criminal Chief

ERIN NEALY COX
UNITED STATES ATTORNEY



JOHN KULL
Assistant United States Attorney
Texas State Bar No. 00791057
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: (214) 659-8600


DETONTE SPEARMAN
Defendant
EZEKIEL TYSON
Attorney for Defendant